

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**BONNIE SMITH, JAMES SMITH,
BARBARA EVAN QUINN, ALNEDER
PETTY, BERDINE H. RAMBUS, ELIZA
TALLIE, BARBARA WILLIAMS, GARY
TRIMBLE, and FLORENCE MCGOWAN**

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:05CV98LR

**FIRST FAMILY FINANCIAL SERVICES,
INC., AMERICAN SECURITY INSURANCE
and UNION SECURITY LIFE INSURANCE
COMPANY**

DEFENDANTS

ORDER

This matter came before the court on the Motion to Strike Plaintiffs' Designation of Expert Witnesses by Union Security Life Insurance Company and American Security Insurance Company. The basis of the Motion is the Plaintiffs' failure to timely submit with their designation all of the material required by Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2). That designation, which was due on or before April 21, 2006, should have included "a written report prepared and signed by the witness."

In response, the Plaintiffs cite numerous reasons that this matter has been delayed, none of which appear to be directly related to the failure to properly designate expert witnesses. The Plaintiffs' expert designation shall not be stricken at this time; however, the Plaintiffs shall file a complete expert designation, in accordance with Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2), on or before June 23, 2006. Failure to serve complete designations will result in sanctions, which may include the striking of the Plaintiff's expert designations. *See, e.g., Campbell v. McMillin*, 83 F. Supp. 2d 761, 764 (S.D. Miss. 2000) (Judge Barbour affirming the striking of an

expert witness for an improper designation and granting summary judgment based on the lack of medical evidence).

IT IS, THEREFORE, ORDERED that the Motion to Strike Plaintiffs' Designation of Expert Witnesses by Union Security Life Insurance Company and American Security Insurance Company is **granted** in part and **denied** in part, as further explained above.

IT IS SO ORDERED, this the 12th day of June, 2006.

S/John M. Roper
UNITED STATES MAGISTRATE JUDGE